

SENATE BILL NO. 195
INTRODUCED BY LIND

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO ELECTRIC UTILITY
5 INDUSTRY RESTRUCTURING AND CUSTOMER CHOICE; ~~ELIMINATING AND CLARIFYING CERTAIN~~
6 ~~DEFINITIONS; DEFINING THE TERM "RETAIL CUSTOMER"; CLARIFYING CERTAIN CUSTOMER OPTIONS~~
7 ~~REGARDING PURCHASING ELECTRICITY SUPPLY; CLARIFYING PUBLIC UTILITY AND COOPERATIVE~~
8 ~~UTILITY EXEMPTIONS; CLARIFYING ELECTRICITY SUPPLY REQUIREMENTS; REQUIRING THAT A PUBLIC~~
9 ~~UTILITY PROVIDE NONDISCRIMINATORY ACCESS TO TRANSMISSION AND DISTRIBUTION FACILITIES;~~
10 ~~AMENDING SECTIONS 15-72-104, 35-19-102, 69-1-114, 69-1-402, 69-8-101, 69-8-103, 69-8-201, 69-8-210,~~
11 ~~69-8-311, 69-8-402, 69-8-602, 69-8-603, AND 69-8-1004, MCA; AND REPEALING SECTIONS 69-8-102,~~
12 ~~69-8-104, 69-8-202, 69-8-203, 69-8-204, 69-8-208, 69-8-209, 69-8-211, 69-8-301, 69-8-302, 69-8-303, 69-8-304,~~
13 ~~69-8-308, 69-8-309, 69-8-310, 69-8-401, 69-8-403, 69-8-404, 69-8-408, 69-8-409, 69-8-410, 69-8-411, 69-8-419,~~
14 ~~69-8-420, AND 69-8-421, MCA~~ ELIMINATING THE REQUIREMENT THAT A PUBLIC UTILITY FUNCTIONALLY
15 SEPARATE ITS ELECTRICITY SUPPLY, RETAIL TRANSMISSION, RETAIL DISTRIBUTION, AND REGULATED
16 AND UNREGULATED RETAIL ENERGY SERVICES IN MONTANA; AND AMENDING SECTION 69-8-204, MCA."

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18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

19 (Refer to Introduced Bill)

20 Strike everything after the enacting clause and insert:

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22 **Section 1.** Section 69-8-204, MCA, is amended to read:

23 **"69-8-204. Public utility -- functional separation, divestiture, and nondiscrimination.** ~~(1) To the~~
24 ~~extent that a public utility is vertically integrated, a public utility shall functionally separate the public utility's~~
25 ~~electricity supply, retail transmission, retail distribution, and regulated and unregulated retail energy services~~
26 ~~operations in the state of Montana, upon application to and approval from the commission.~~

27 ~~(2)~~(1) Public utilities shall:

- 28 (a) prevent undue discrimination in favor of their own power supply, other services, divisions, or affiliates,
29 if any;
30 (b) prevent any other forms of self-dealing that could result in noncompetitive electricity prices to

1 customers; and

2 (c) grant customers and their electricity suppliers access to the public utility's retail transmission and
3 distribution system on a nondiscriminatory basis at rates, terms, and conditions of service comparable to the use
4 of the retail transmission and distribution system by the public utility and the public utility's affiliates.

5 ~~(3)~~(2) The provisions of this section are satisfied if the public utility adopts and complies with a code of
6 conduct consistent with the federal energy regulatory commission approved code of conduct pursuant to 18 CFR,
7 part 37, and commission rules and orders."

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